

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT
HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI,

THE ACTING CHIEF JUSTICE

and

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 4391 of 2005

Between:

N. Srinivasulu, S/o. Pullaiah,
R/o. H.No.4-12, Uyyalawada Village & Mandal,
Kurnool District.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Uyyalawada Mandal,

Kurnool District.

2 A.P. Pollution Control Board, rep. by its Member

Secretary, Sanathnagar, Hyderabad.

3 The Environmental Engineer, A.P. Pollution Coontrol

Board, Kurnool.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ or order or direction, preferably to the nature of writ of Mandamus declaring the action of the 1st respondent in issuing the impugned proceedings vide R.C.No.261/04, dt. 28.2.2005 for the removal of the petitioners flour mill basing on the impugned proceedings issued by 3rd respondent to 1st respondent vide Lr.No.GEN/PCB/RO/KNL/2004, 996, dt. 27.11.2004 which are issued behind the back of the petitioner, without any authority of law and jurisdiction and in gross violation of principles and natural justice and violative Article 14, 19 21 & 300 A of Constitution of India and consequently set aside the above said impugned proceedings issued by the 1st and 3rd respondents respectively and pass such other order or orders.

Counsel for the Petitioner:MR.K.RATHANGA PANI REDDY

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

O R D E R (Per Hon’ble the Acting Chief Justice)

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Heard the learned counsel for the parties.

2. An order passed by the Magistrate has been challenged in this writ petition, which appears to be not an order under Section 133 of Cr.P.C. Therefore, the court stayed the operation of this order.

3. It appears that the Magistrate passed an order on the basis of a report furnished by the Pollution Control Board. In these circumstances, the impugned order cannot sustain and is quashed. The writ petition is allowed. No costs.

4. However, the authorities including the Pollution Control Board, are at liberty to take appropriate action, in case the petitioner is found to have violated any laws and was responsible for creation of any pollution.

BILAL NAZKI, HACJ

GOPALAKRISHNA TAMADA,J

AVS

DATE:15.04.2005

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Mandal Revenue Officer, Uyyalawada Mandal,

Kurnool District.

2 A.P. Pollution Control Board, rep. by its Member

Secretary, Sanathnagar, Hyderabad.

3 The Environmental Engineer, A.P. Pollution Coontrol

Board, Kurnool.

4. 2 CCs to G.P. for Revenue, High Court Building,

Hyderabad (out).

5) 2 CD copies

6) 1 CC to MR.BHATT

7) 1 CC to MR.RATHANGA PANI REDDY

*Form-NIC-OGS/WP{**JGK**}*